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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/582,258 | 11/27/2000 | Joachim Melbert | 051480-5024 | 1696 |

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| EXAMINER |
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LEJA, RONALD W

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| ART UNIT | PAPER NUMBER |
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2836

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,258

Applicant(s)

MELBERT ET AL.

Examiner

Ronald W Leja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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1. Claims 6 and 7 are objected to because of the following informalities: Claim 6 refers to "preset second and preset third time delays", however, a preset first time delay had never been previously recited, thereby leaving one to guess whether there is indeed a preset first time delay. Claim 7 has a lack of antecedent basis for "by the other preset threshold value" in line 4. Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcott et al. (5,481,187) in view of Buchl (4,823,825).

Marcott et al. disclose (see Fig. 4) a device for controlling an electromechanical regulator which has an actuator and an actuating drive with an electromagnet having a coil (16) and a movable armature (18). A controller (52) is provided which controls the current through the coil and which for that purpose produces control signals for a power regulator (12) and during movement of the armature the control signals depend on the current and the time differential of the current through the coil in the free-running operating state. Marcott et al. disclose (Col. 5, line 63 thru Col. 7, line 28) that the armature moves and the use of current and time differential of the current are utilized to determine the position of the armature and whether current should be applied or not applied to the coil; the current and the differential of the current through the coil are obtained during a free-running operating state (Col. 6, lines 21-23). Use of a return mechanism does not appear to be positively disclosed (Col. 1, lines 17-36), however, Buchl teaches the use of a solenoid, which has a return mechanism and Figure 5 illustrates the use of two coils and return mechanisms/springs. Therefore, it is the opinion of the Examiner, that it would have been obvious to one having ordinary skill in the art at the time of the invention to look to Buchl for an electromechanical regulator which uses a return mechanism and/or two return mechanisms so as to be able to easily return the actuator to a

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starting position and/or rest position after actuation, thereby more quickly returning the system to a starting position to wait for the next actuation cycle without having to apply energy to the solenoid for such a return to starting/neutral position. The use of two return mechanisms allows for use within a three-position controller system (for Claims 9 and 10).

4. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 4 and 5 are allowed.

6. The following is a Statement of Reasons for the Indication of Allowable Subject Matter: Although Marcott et al. disclose that the current and the differential of the current are obtained during a free-running operating state (Col. 6, lines 21-23), there is no disclosure nor suggestion for utilizing a preset first time delay being associated with armature movement and to have the control signals depend therefrom (Claim 2). Marcott et al. do not disclose nor suggest obtaining the potential difference on the coil with use of a resistor and at the power regulator's electronic components operating in the conductive state (Claim 3). The combination of Claim 4 is allowable because the Prior Art of Record does not disclose nor suggest the combination which includes "the control signals depend on the ratio of the time differential of the current and the current through the coil and during movement of the armature the control

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signals depend on the current and the time differential of the current through the coil in the free-running operating state". Claim 5 is allowable due to its dependency from Claim 4 and Claims 6 and 7 would also be allowable due to their dependency, aside from the objections above.

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

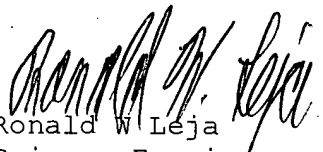
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja whose telephone number is (703)308-2008. The examiner can normally be reached on mon-fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703)308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3675.


Ronald W. Leja
Primary Examiner
Art Unit 2836

rwl
August 8, 2003

8/8/03